

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 04-10306-PBS
	)	
TREVOR CHARLTON	)	

DEFENDANT'S ASSENTED-TO MOTION  
TO CONTINUE TRIAL

Defendant, with the assent of the government, moves this Court to continue the trial date in this matter, currently scheduled for December 12, 2005. Defendant respectfully suggests that the Court schedule a status conference for December 12, 2005, at which time a realistic trial date may be chosen. In the alternative, defendant suggests a trial date in March, 2006.

As grounds for this motion, defendant states as follows:

1. As the Court may recall, the government has conducted DNA testing in this case. Results from that testing were obtained on or about August 30, 2005. The government has informed undersigned counsel that it intends to introduce the results at trial.

2. On September 23, 2005, defendant submitted a formal discovery request to the government regarding the DNA testing. The government responded to defendant's request on or about October 21, 2005.

3. Defendant has obtained an independent expert to review the DNA discovery recently provided, consult with undersigned counsel regarding the government's test results, and to perform independent testing where required. Defendant's expert has informed undersigned counsel that she will need six to eight weeks to review the discovery material and consult with undersigned counsel. Further, additional time will be required if independent testing is necessary.

Defendant will assent to the exclusion of time from the Speedy Trial calculation for any period of delay caused by the Court's granting this motion.

Assistant United States Attorney Robert E. Richardson assents to this motion.

TREVOR CHARLTON,  
By his attorney,

/s/ J. Martin Richey  
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October 25, 2005